

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

JAMES GUMBERT, AN INDIVIDUAL,
Plaintiff

v.

KATRINA STANLEY,
Defendant

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CIVIL ACTION

NO.: 1:22-cv-1323

JURY TRIAL DEMANDED

DEFENDANT KATRINA STANLEY'S
ORIGINAL ANSWER TO PLAINTIFF'S COMPLAINT

COMES NOW, Defendant, KATRINA STANLEY (“Defendant”), and in response to Plaintiff’s Complaint (“Complaint”) [Docket #1], files her Answer and Defenses. The numbered paragraphs below correspond to the numbered paragraphs in Plaintiff’s Complaint to the extent possible. Defendant KATRINA STANLEY denies each and every allegation set forth in Plaintiff’s Complaint except as specifically admitted, qualified, explained, clarified, or otherwise pleaded below, and specifically answers as follows:

JURISDICTION AND PARTIES

1. Defendant does not dispute this Court’s jurisdiction. All other allegations contained in Paragraph 1 of the Complaint are denied. Defendant specifically denies she violated the Title III of the ADA in any way and specifically denies violations as alleged by Plaintiff in Paragraph 1 of the Complaint.

2. Defendant admits to the allegation in Paragraph 2 of Plaintiff’s Complaint.

3. Defendant is without sufficient information at this time to admit or deny the allegations of residence of Plaintiff James Gumbert contained in Paragraph 3 of Plaintiff’s Complaint.

4. Defendant is without sufficient information at this time to admit or deny the allegation of Plaintiff contained in Paragraph 4 of Plaintiff's Complaint.

5. Defendant is without sufficient information at this time to admit or deny the allegations of Plaintiff contained in Paragraph 5 of Plaintiff's Complaint.

6. Defendant is without sufficient information at this time to admit or deny the allegation of Plaintiff contained in Paragraph 6 of Plaintiff's Complaint.

7. Defendant admits the allegations contained in Paragraph 7 of Plaintiff's Complaint.

FACTUAL ALLEGATIONS

8. Defendant does not have sufficient information at this time to admit or deny the allegations contained in Paragraph 8 of Plaintiff's Complaint.

9. Defendant admits the allegations contained in Paragraph 9 of Plaintiff's Complaint.

10. Defendant does not have sufficient information at this time to admit or deny the allegations contained in Paragraph 10 of Plaintiff's Complaint.

11. Defendant does not have sufficient information at this time to admit or deny the allegations contained in Paragraph 11 of Plaintiff's Complaint.

12. Defendant does not have sufficient information at this time to admit or deny the allegations contained in Paragraph 12 of Plaintiff's Complaint.

13. Defendant does not have sufficient information at this time to admit or deny the allegations contained in Paragraph 13 of Plaintiff's Complaint.

14. Defendant denies the allegations contained in Paragraph 14 of Plaintiff's Complaint.

15. Defendant denies the allegations contained in Paragraph 15 of Plaintiff's Complaint.

16. Defendant denies the allegations contained in Paragraph 16 of Plaintiff's Complaint.

17. Defendant denies the allegations contained in Paragraph 17 of Plaintiff's Complaint. Defendant specifically denies Plaintiff has been injured in the manner and to the extent alleged in Paragraph 17 of Plaintiff's Complaint.

18. Defendant does not have sufficient information at this time to admit or deny the allegations contained in Paragraph 18 of Plaintiff's Complaint. In a general sense, Defendant admits the ADA governs access to public accommodations for disabled individuals.

19. Defendant denies the allegations contained in Paragraph 19 of Plaintiff's Complaint.

20. Defendant does not have sufficient information at this time to admit or deny the allegations contained in Paragraph 20 of Plaintiff's Complaint.

21. Defendant denies the allegations contained in Paragraph 21 of Plaintiff's Complaint.

COUNT I - CLAIM FOR INJUNCTIVE RELIEF
(Against Defendant for ADA Violations)

22. Paragraph 22 does not contain allegations which require a response from Defendant.

23. Defendant does not have sufficient information at this time to admit or deny the allegations contained in Paragraph 23 of Plaintiff's Complaint.

24. Paragraph 24 does not contain allegations which require a response from Defendant.

25. Paragraph 25 does not contain allegations which require a response from Defendant.

26. Defendant denies the allegations contained in Paragraph 26 of Plaintiff's Complaint.

27. Defendant denies the allegations contained in Paragraph 27 of Plaintiff's Complaint.

28. Defendant denies the allegations contained in Paragraph 28 of Plaintiff's Complaint.

29. Defendant denies the allegation contained in Paragraph 29 of Plaintiff's Complaint. She specifically denies she has violated the ADA in any way or caused Plaintiff damages in any way.

30. Defendant denies the allegation contained in Paragraph 30 of Plaintiff's Complaint. She specifically denies she has violated the ADA in any way or caused Plaintiff damages in any way.

31. Defendant denies the allegation contained in Paragraph 31 (including subparts (a)-(n)) of Plaintiff's Complaint. She specifically denies she has violated the ADA in any way or caused Plaintiff damages in any way.

32. Defendant denies the allegations contained in Paragraph 32 of Plaintiff's Complaint.

33. Defendant denies the allegations contained in Paragraph 33 of Plaintiff's Complaint.

34. Defendant does not have sufficient information at this time to admit or deny the allegations contained in Paragraph 34 of Plaintiff's Complaint

35. Defendant denies the allegation contained in Paragraph 35 of Plaintiff's Complaint. She specifically denies she has violated the ADA in any way or caused Plaintiff damages in any way.

36. Defendant denies the allegations contained in Paragraph 36 of Plaintiff's Complaint.

37. Defendant denies the allegations contained in Paragraph 37 of Plaintiff's Complaint.

38. Defendant denies the allegations contained in Paragraph 38 of Plaintiff's Complaint.

39. Paragraph 39 does not contain allegations which require a response from Defendant.

40. Defendant denies the allegations contained in Paragraph 40 of Plaintiff's Complaint.

41. Defendant denies the allegation contained in Paragraph 41 of Plaintiff's Complaint. She specifically denies she has violated the ADA in any way or caused Plaintiff damages in any way.

42. Defendant denies the allegations contained in Paragraph 42 of Plaintiff's Complaint.

43. Defendant denies the allegation contained in Paragraph 43 of Plaintiff's Complaint. She specifically denies she has violated the ADA in any way or caused Plaintiff damages in any way.

44. Defendant denies the allegations contained in Paragraph 44 of Plaintiff's Complaint.

45. Defendant denies the allegations contained in Paragraph 45 of Plaintiff's Complaint. Defendant specifically denies Plaintiff is entitled to recover damages of any kind from her.

46. Defendant does not deny that the Court has the authority to grant injunctive relief. However, Defendant denies Plaintiff is entitled to the injunctive relief alleged, and denies the remainder of the allegations contained in Paragraph 46 of Plaintiff's Complaint.

JURY DEMAND

47. Defendant KATRINA STANLEY also requests a trial by jury.

PRAYER

Defendant denies that Plaintiff is entitled to any relief in this lawsuit.

- a) Defendant denies that she is in violation to the ADA and ADAAG;
- b) Defendant denies that Plaintiff is entitled to any relief in this lawsuit and further denies that the Court should order Plaintiff's requested relief listed in subparts (B-E) of his prayer;
- c) Defendant denies that Plaintiff is entitled to any relief in this lawsuit, including reasonable attorney's fees, litigation expenses and costs, monitoring fees, interest, or any other damages listed in subparts (F-G) of his prayer; and
- d) Defendant denies that Plaintiff is entitled to any relief in this lawsuit, specifically including that requested in subpart H of his prayer.

WHEREFORE, PREMISES, CONSIDERED, Defendant, KATRINA STANLEY, respectfully prays that Plaintiff, takes nothing by way of this lawsuit, that she be awarded her

attorney's fees and costs, and for such other and further relief, at law or equity, to which she may be entitled.

Respectfully submitted,

**THORNTON, BIECHLIN,
REYNOLDS & GUERRA, L.C.**

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**ATTORNEYS FOR DEFENDANT
KATRINA STANLEY**

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing instrument has been properly delivered with the Clerk of the Court on this 26th day of January, 2023 using the CM/ECF system which will send notification of such filing to the following counsel of record:

Duncan Strickland
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Attorney for Plaintiff



Michael H. Wallis

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